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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,

FM Broadcast Stations.
(Eminence, Rolla, Lebanon
and Linn, Missouri)

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Federal Communications Commission
Office of Secretary

MM Docket No. 01-151

RM-10167

RM-10567

To: Assistant Chief, Audio Division

STATEMENT FOR THE RECORD
REQUEST FOR EXPEDITED ACTION ON APPLICATION
AND
REQUEST TO UPDATE FM DATA BASE

KDAA-KMOZ, LLC ("KKL"), by counsel, hereby files this Statement for the Record in the above-captioned docket (Rulemaking proceeding Nos. RM-10167 and RM-10567). KKL is licensee of Station KDAA, Channel 248A at Rolla, MO, that would be directly affected by the outcome of this proceeding.¹

On April 23, 2001, Four Him Enterprises, L. L. C. ("Four Him") filed a Petition for Rule Making seeking to upgrade its station KHCR (now KHZR) from Channel 249C3 to 249C2 at Potosi, MO. That would require, *inter alia*, the substitution of Channel 276A for Channel 248A at Rolla, MO. By *Notice of Proposed Rule Making (Eminence, MO, Encinal, TX and Tilden, TX)*, 16 FCC Rcd 13915 (Alloc. Br. 2001), the former Allocations Branch of the Audio Services

¹ KKL is seeking leave to file this Statement for the Record in a separate pleading being filed today.

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Division² set forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. One of those proposals, by Ozark Broadcasting, Inc. ("Ozark") was to allot Channel 276C3 to Eminence, MO, as its first local aural transmission service at reference coordinates: 37-16-07 NL and 91-15-05 WL. On September 4, 2001, the date for filing comments, Four Him filed a counterproposal in this docket essentially duplicating its April 23, 2001, proposal. In addition to the change of channels at Rolla, Four Him's proposal would also require the downgrade of Station KJEL(FM), Lebanon, MO, from Class C to Class C0.³

On September 20, 2002, the Commission released an *Order to Show Cause* (DA 02-2225) requiring Ozark to show cause why KJEL should not be downgraded to Class C0 status. Ozark maintains that it never received a copy of the Order to Show Cause by certified mail, and that when it learned of the proposed KJEL downgrade, Ozark belatedly filed a response to the *Order to Show Cause* and on April 1, 2003, Ozark filed an application (File No. BPH-20030401ABZ), to maintain Class C status.

The Commission dismissed Four Him's petition for rule making in RM-10567 that proposed the substitution of Channel 249C2 for 249C3 at Potosi because Ozark objected to the downgrade of KJEL to Class C0. On August 23, 2003, Four Him filed a petition for reconsideration of the Commission's action and Ozark opposed it. That petition has been pending nearly a year after it was filed.

To make a very long and complex story short, the litigation is ongoing and the Commission has not yet acted. KKL takes no position herein on how the subject matter of the litigation should

² Now, the Audio Division, Media Bureau.

³ Four Him also requires the substitution of Channel 248A for Channel 276A at Linn, MO.

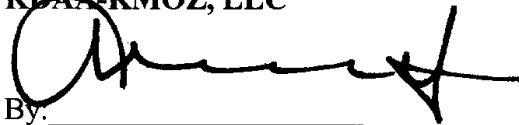
be resolved, but notes for the record that the pendency of the rule making petitions has prevented action upon KKL's pending application (File No. BPH-20030701AMT) to relocate the antenna of KDAA, Rolla, MO, to the site shared by station KZNN, Rolla, MO, which is licensed to an affiliate of KKL. The attached technical statement (which is today being simultaneously filed as an amendment to BPH-20030701AMT) demonstrates that either Channel 248A or Channel 276A can be utilized/operated from the site specified in the pending application meeting all minimum distance separation requirements, assuming the other changes proposed in the Four Him proposal are made.

This purpose of this Statement is to request the Audio Division to promptly grant KKL's pending application for minor change to the facilities of KDAA conditioned upon the outcome of MM Docket 01-151; and, as of the date of filing this Statement for the Record, to update the FM database to protect the reference coordinates 37-52-39 NL, 91-44-45 WL for the use of both channels 248A and 276A at Rolla, MO.

In light of the foregoing, KKL respectfully requests the Audio Division to take the actions set forth herein.

Respectfully submitted,

KDAA-KMOZ, LLC

By. 

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July 12, 2004

AMEND BPH-20030701AMT
KDAA-KMOZ, LLC
KDAA (FM) RADIO STATION
CH 248A - 97.5 MHZ - 1.3 KW
ROLLA, MISSOURI
June 2004

TECHNICAL STATEMENT

This Technical Statement and attached exhibits were prepared on behalf of KDAA-KMOZ, LLC ("KKL"), licensee of KDAA, Channel 248A, Rolla, Missouri. KKL has a pending minor change application which proposes to relocate the transmitter site and make other changes (BPH-20030701AMT). This amendment is to address the issue of the pending Petition for Rule Making which, among other things, proposes to substitute Channel 276A for Channel 248A at Rolla, Missouri. Aside from addressing the proposed channel change, no actual technical changes are proposed.

DISCUSSION

In MM Docket #01-151, Four Him Enterprises, LLC ("Four Him") has requested an upgrade to its station in Potosi, Missouri. In order to implement the upgrade, Four Him requests, among other substitutions, the allotment of Channel 276A for Channel 248A at Rolla, Missouri, and has requested that KDAA be ordered to the new channel (should the Four Him counter-proposal be granted by the Commission). KKL, in its pending application, is seeking to relocate KDAA to an existing tower site, due to the possible loss of its licensed location. This relocation is proposed under §73.215 of the rules on Channel 248A. KKL is aware of the

pending rule making which may change KDAA's channel. We have determined that the proposed Channel 276A could be utilized/operated from the site specified in this pending application. As shown on the attached Technical Exhibit #1, Channel 276A, from the proposed site, meets the Commission's minimum distance separation requirements, assuming the other changes proposed in the Four Him request are made. As such, KKL requests the Commission issue a conditional permit to allow KDAA to relocate to the site proposed in this instant application, understanding that the channel may be changed as a result of the rule making.¹

1) KKL plans on submitting comments in MM Docket 01-151 to indicate the change in site for KDAA and a request to update the proposed Channel 276A reference site to that specified in the pending KDAA application.

AMEND BPH-20030701AMT
KDAA-KMOZ, LLC
KDAA (FM) RADIO STATION
CH 248A - 97.5 MHZ - 1.3 KW
ROLLA, MISSOURI
June 2004

TECHNICAL EXHIBIT #1

Clearance study for KDAA Rolla, Missouri
Using site proposed in BPH-20030701AMT

REFERENCE	CLASS = A	DISPLAY DATES
37 52 39 N		DATA 06-11-04
91 44 45 W	Current Spacings	SEARCH 06-17-04
----- Channel 276 - 103.1 MHz -----		

Call N. Lat.	Channel W. Lng.	Location Ant	Power	Dist HAAT	Azi	FCC	Margin
RADD	ADD 276A	Rolla	MO 9.73	350.1	115.0	-105.27	
	37 57 50	91 45 54	6.000 kW	100 M			
Proposed Channel for KDAA Rolla, Missouri							
* RADD	ADD 276C3	Eminence	MO 80.46	147.1	142.0	-61.54	
	37 16 07	91 15 05	25.000 kW	100 M			
Original Request in MM Docket 01-151 - Four Him proposal is counterproposal							
* VA276	VAC 276A	Linn	MO 68.06	352.2	115.0	-46.94	
	38 29 06	91 51 06 N	6.000 kW	100 M			
> to Channel 248A - Four Him counterproposal							
* RDEL	DEL 276A	Linn	MO 68.06	352.2	115.0	-46.94	
	38 29 06	91 51 06	6.000 kW	100 M			
Four Him Enterprises, L.L.C.							
* KJEL	LIC 279C	Lebanon	MO 88.39	266.1	95.0	-6.61	
	37 49 10	92 44 51 CN	100.000 kW	300 M			
Ozark Broadcasting, Inc. BLH19881115KC							
> Downgrade to Channel 279C0 proposed by Four Him							
* KJEL.A	APP 279C	Lebanon	MO 88.39	266.1	95.0	-6.61	
	37 49 10	92 44 51 CX	100.000 kW	453 M			
Ozark Broadcasting, Inc. BPH20030401ABZ							
> Downgrade to Channel 279C0 proposed by Four Him							
RADD	ADD 279C0	Lebanon	MO 86.25	255.9	86.0	0.25	
	37 41 06	92 41 40	100.000 kW	450 M			
Four Him Enterprises, LLC							
RADD	ADD 279C0	Lebanon	MO 88.39	266.1	86.0	2.39	
	37 49 10	92 44 51	100.000 kW	450 M			
Four Him Enterprises, L.L.C.							
RADD	ADD 274A	Waynesville	MO 36.30	259.8	31.0	5.30	
	37 49 09	92 09 06 N	6.000 kW	100 M			
CTC Communications, Inc.							
KLOU	LIC 277C1	St. Louis	MO 145.91	59.7	133.0	12.91	
	38 31 47	90 17 58 CN	100.000 kW	280 M			
Citicasters Licenses, L.P. BLH6439							
KQUL	LIC 274A	Lake Ozark	MO 74.96	283.8	31.0	43.96	
	38 02 06	92 34 31 CN	6.000 kW	100 M			
Benne B/co Co. Of Lake Ozark BLH19940516KZ							

* Note: These facilities/proposals would be moved to other channels or denied if the Four Him proposal is acted upon favorably by the Commission.

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing "Statement for the Record, Request for Expedited Action on Application and Request to Update FM Data Base" was mailed by First Class U.S. Mail, postage prepaid (or hand delivery, as marked with an asterisk), this 12th day of July, 2004, to the following:

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